

## **REMARKS**

### **Drawings**

Applicant appreciates the Examiner's acceptance of the drawings filed September 15, 2006.

### **Claim Rejections – 35 USC § 102**

Reconsideration is respectfully requested for Claims 24, 30, and 34, said claims having been rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,494,404 to Meyer. These rejections are respectfully traversed.

Applicant appreciates the Examiner pointing out that the frame is not claimed to not surround the seats. As per amended Claim 24, Applicant clarifies that the frame does not depend on any extensions, of the frame, to surround the seats nor obstruct the seats. The Meyer '404 passenger compartment is more akin to a pod wherein the passenger seating area is surrounded by walls or supports. The pod is described as being fabricated from a rigid metallic material and being of a generally hollow cylindrical configuration. Thus, implying walls or a framework surrounding the seating area. Further, the Meyer '404 pod has end covers and describes circular hoops forming the pod. (Col. 4, line 43 - Col. 5, line 8).

In sharp contrast, Applicant's frame is below the seats and does not depend on any extensions, of the frame, around the seats as taught by Meyer '404. The Applicant's frame is below seats, much akin to a sled, and the seating area is not enclosed on neither the back, front, nor sides. The Meyer '404 is a pod that must have the wall and supports or it cannot function. Therefore, Claims 24, 30, and 34 are now respectfully submitted to be in formal condition for allowance.

Reconsideration is respectfully requested for Claims 24, 27, 28, 35, and 58, said claims having been rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 3,289,981 to Meyer. These rejections are respectfully traversed.

Applicant respectfully submits that the Meyer '981 passenger compartment is a capsule that has a framework surrounding the passenger compartment. As per amended Claim 24, Applicant has clarified that the frame is disposed below the seats and does not surround the seating area. Therefore, Claims 24, 27, 28, 35, and 58 are now respectfully submitted to be in formal condition for allowance.

Reconsideration is respectfully requested for Claims 24 and 27, said claims having been rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,260,813 to Whitcomb. These rejections are respectfully traversed.

Applicant respectfully submits that Whitcomb's frame is for an individual seat and is not at all akin to Applicants' frame and seats. Whitcomb teaches a separate frame and track system for each seat. Referring to Whitcomb's Figure 1 and Col. 2, lines 50-62, it is clear that Whitcomb is teaching an adjustable frame that allows each seat to be moved backwards or forwards to adjust for leg room. Applicant respectfully submits that the Whitcomb frame and track are for the purpose of small adjustment in the seat position similar to a passenger car seat.

In sharp contrast and as clarified in amended Claim 24, Applicant provides for a plurality of seats attached to the frame. The Applicant's seats are not attached to individual frames. Further, Applicant's plurality of seats are removable at the same time that the frame is removed. Whitcomb can only remove each seat individually as he only mounts one seat to each frame.

#### Claim Rejections – 35 USC § 103

Reconsideration is respectfully requested for Claim 25, said claim having been rejected under 35 USC 103(a) as being unpatentable over either Myer (U.S. Patent No. 3,289,981 or U.S. Patent No. 6,494,404), as applied to Claim 24, and further in view of U.S. Patent No. 2,388,380 to Bathurst. This rejection is respectfully traversed. Applicant respectfully submits that the secondary reference of US Patent Number 2,388,380 to Bathurst adds nothing to what is disclosed by the Meyer patents. Further, Claim 25 depends from Claim 24 and is thereby submitted to be patentable for the reasons set forth above.

Reconsideration is respectfully requested for Claim 29, said claim having been rejected under 35 USC 103(a) as being unpatentable over either Myer (U.S. Patent No. 3,289,981 or U.S. Patent No. 6,494,404), as applied to Claim 24, and further in view of U.S. Patent No. 6,007,025 to Coughren. This rejection is respectfully traversed. Applicant respectfully submits that the secondary reference of US Patent Number 6,007,025 to Coughren adds nothing to what is disclosed by the Meyer patents. Further, Claim 29 depends from Claim 24 and is thereby submitted to be patentable for the reasons set forth above.

Reconsideration is respectfully requested for Claim 31, said claim having been rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,260,813 to Whitcomb. This

rejection is respectfully traversed. Claim 29 depends from Claim 24 and is thereby submitted to be patentable for the reasons set forth above.

Reconsideration is respectfully requested for Claim 32, said claim having been rejected under 35 USC 103(a) as being unpatentable over either Myer (U.S. Patent No. 3,289,981 or U.S. Patent No. 6,494,404), as applied to Claim 24, and further in view of U.S. Patent No. 5,716,027 to Hart. This rejection is respectfully traversed. Applicant respectfully submits that the secondary reference of US Patent Number 5,716,027 to Hart adds nothing to what is disclosed by the Meyer patents. Further, Claim 32 depends from Claim 24 and is thereby submitted to be patentable for the reasons set forth above.

Reconsideration is respectfully requested for Claim 39, said claim having been rejected under 35 USC 103(a) as being unpatentable over either Myer (U.S. Patent No. 3,289,981 or U.S. Patent No. 6,494,404), as applied to Claim 24, and further in view of U.S. Patent No. 6,281,797 to Forster. This rejection is respectfully traversed. Applicant respectfully submits that the secondary reference of US Patent Number 6,281,797 to Forster adds nothing to what is disclosed by the Meyer patents. Further, Claim 39 depends indirectly from Claim 24 and is thereby submitted to be patentable for the reasons set forth above.

Reconsideration is respectfully requested for Claims 33, 37, 38, and 57, said claims having been rejected under 35 USC 103(a) as being unpatentable over either Myer (U.S. Patent No. 3,289,981 or U.S. Patent No. 6,494,404), as applied to Claim 24. These rejections are respectfully traversed. Claims 33, 37, 38, and 57 depend, directly or indirectly, from Claim 24 and are thereby submitted to be patentable for the reasons set forth above.

#### Allowable Subject Matter

Applicants appreciate the Examiner's indication of the allowability of Claim 26 if rewritten in independent form including all the limitations of the base claim and any intervening claims. However, as discussed hereinabove, Applicant respectfully submits that because the rejections of Claim 24 have been overcome and because Claim 26 depends from Claim 24, Claim 26 stands in condition for allowance.

#### Conclusion

In light of the above amendments and discussion, Applicant respectfully submits that the

application now stands in prima facie condition for allowance and courteously requests that this application be advanced to issue. The Applicant is of the opinion that no additional fees are required with the submission of this response. However, if additional fees are required, the Commissioner is hereby respectfully authorized to deduct such fees from Deposit Account Number 13-2166. The Examiner is respectfully invited to call the Applicant's representative, Taras P. Bemko, at 713-355-4200, to discuss any matters, that may arise, where such discussion may resolve such matters and place this application in condition for allowance..

Respectfully Submitted,

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